

# SENATE BILL REPORT

## SB 5145

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As Reported By Senate Committee On:  
Transportation, February 21, 2005

**Title:** An act relating to a boater safety education program.

**Brief Description:** Creating a boater safety education program. [Revised for 1st Substitute: Establishing a boating safety education program.]

**Sponsors:** Senators Jacobsen, Swecker, Oke, Fraser, Johnson, Spanel, Rockefeller, Kohl-Welles, Delvin, Keiser, Haugen, Kastama, Kline, Hargrove, Regala, Franklin, Thibaudeau, Rasmussen and Shin.

**Brief History:**

**Committee Activity:** Transportation: 1/26/05, 2/21/05 [DPS, w/oRec].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Substitute Senate Bill No. 5145 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Swecker, Ranking Minority Member; Eide, Esser, Kastama, Oke, Spanel and Weinstein.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Mulliken.

**Staff:** Kelly Simpson (786-7403)

**Background:** Under current law, the State Parks and Recreation Commission (Commission) is required to, among other things, adopt and enforce recreational boating safety rules, including equipment and navigating requirements, consistent with U.S. Coast Guard regulations. Additionally, the Commission must coordinate a statewide program of boating safety education, using when possible, existing programs offered by the U.S. Power Squadron and the U.S. Coast Guard Auxiliary.

Various operational and equipment requirements exist applicable to the operation of recreational vessels. However, current law does not require operators of motor driven boats and vessels to successfully complete a boating safety education program prior to operating the vessel.

**Summary of Substitute Bill:** The State Parks and Recreation Commission must establish a program to provide required boating safety education. The program must be phased in so that all non-exempt boaters are required to obtain a boater education card by January 1, 2016. The program must include a minimum standard of boating safety education accomplishment, minimum standards for boating safety course of instruction and examination, and accreditation to boating safety education courses operated by entities such as the U.S. Coast Guard

Auxiliary and the U.S. Power Squadrons. Additionally, the program must include an equivalency exam that may be taken as an alternative to the boating safety education course, a \$10 fee to receive the boater education card, and a card replacement fee.

In order to operate a motor driven boat or vessel of 15 horsepower or greater, a person must be at least 12 years old and: (1) possess a boater education card; or (2) be accompanied by and under the supervision of a person at least 16 years old who has a boater education card, or who is not yet required to possess the card under the phased-in program.

Certain individuals are not required to have a boater education card, including: (1) persons not yet required to have a card under the phased schedule developed by the Commission; (2) certain nonresident vessel operators; (3) renters of motor driven boats or vessels, with an engine power of 15 horsepower or greater, who are at least 12 years old and who complete a Commission-approved motor vessel safety checklist; and (5) any person born before January 1, 1955.

Any person who, prior to the effective date of this act, successfully completed a boating safety education course substantially equivalent to the standards adopted by the Commission may pay a \$10 fee and receive a boater education card without taking a course or equivalency exam.

All fees collected for the issuance of a boater education card must be deposited in the newly created, nonappropriated Boating Safety Education Certification Account to be used for the administration of the boating safety education program.

**Substitute Bill Compared to Original Bill:** Technical drafting changes were made throughout the bill. The minimum operational restrictions were amended such that a power boat operator must be at least 12 years old to operate a power boat of 15 horsepower or greater; however, current age restrictions applicable to the operation of personal watercraft are not affected. Persons born before 1955 are exempt from the mandatory education requirement. The boating safety education program must allow for approved and accredited online courses. Penalties for failing to have a card must be waived if the individual obtains a card within 60 days of the citation.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Recreational boating groups and stakeholders in Washington have worked hard over the past few years to put this legislation together. Washington State has the fourth highest boating accident rate in the U.S. and 87 percent of operators involved in boating accidents have not taken a boating safety course. Mandatory boating safety education, currently required in 36 states, has been shown to reduce serious accidents over time. The issue is of national importance, especially for cold water boating, as 17 states currently have no mandatory boating safety education requirement. Many optional courses are currently

available, including those provided by U.S. Power Squadrons and the U.S.C.G. Auxiliary, including online courses, with prices varying in the \$25-\$50 range.

**Testimony Against:** None.

**Who Testified:** PRO: Ray Schow & David Kutz, WA Alliance for Mandatory Boater Education (WAMBE) & Recreational Boating Assoc. of WA; Michael Campbell, NW Marine Trade Assoc.; Bill Gossard, National Transportation Safety Board; Lance Jensen, Past Chief Commander, U.S. Power Squadrons; Dick Kohlea & Sissi Longthorpe, NW Boating Council; Viggo Bertelsen, U.S.C.G. Auxiliary.